New York State Department of Environmental Conservation

Division of Environmental Remediation

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011 Phone: (518) 402-9706 • Fax: (518) 402-9020

Website: www.dec.ny.gov



BCA AMENDMENT APPLICATION ISSAUNCE REQUEST CONFIDENTIAL/ATTORNEY WORK PRODUCT

TO:

Robert W. Schick, P.E., Director

Division of Environment Remediation

FROM:

Benjamin Conlon, Esq.

RCRA and Hazardous Waste Enforcement

SUBJECT:

BCA Amendment

Applicant: One Holland Avenue LLC Site Name: 1-5 Holland Avenue

Site No.: C360115

Agreement Index No.: C360115-11-10

Amendment No.: 1

Sign-offs: PM	Initials Date **KaJ** 8-4-14	
SC ·	DAC 8-4-14	
BD	GWH 8/13/14	
PA	RKR 8/13/14_	

Director's Office:

Michael Ryan

Initials

Date, 8 14/14

DATE:

We have reviewed the information contained in the attached Brownfield Cleanup Program Amendment and found the information to be current and accurate as of the date of this memo.

Effective Date of the Original Agreement: December 1, 2010

Effective Date(s) of Existing Amendments: N/A

Proposed Amendment: The Applicant proposes to add 1 Holland LLC, the new property owner, to the subject Brownfield Cleanup Agreement (BCA) as a Volunteer.

The Applicant also provides a correction to the site acreage given in the original BCA application from 0.65 acres to 0.7221 acres. This change in acreage does not change the tax block and lot information nor does it affect the site boundary / metes and bounds of the site property. Rather, it reflects the actual acreage as determined by a recent survey.

The Applicant's Amendment Application has been determined to be complete, the proposed change is considered minor.

Recommendation: We have reviewed the documentation for the amendment of the subject Agreement and recommend that the attached amendment be signed.

RECEIVED

AUG 18 2014

Remedial Bureau C
Div of Environmental Remediation

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Documents Attached:

BCP Application to Amend and BCA Amendment

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND AND AMENDMENT

PART I. BROWNFIELD CLEANUP AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:	
Amendment to [check one or more boxes below]	
Add Add	
Substitute	
Remove Change in Name	
Change in Name	
an applicant(s) to the existing Brownfield Cleanup Agreement [Complete Section I-IV below and Part II]	
Does this proposed amendment involve a transfer of title to all or part of the brownfield site? Yes	
If yes, pursuant to 6 NYCRR Part 375-1.11(d), please also submit a Change of Use form	
See http://www.dec.ny.gov/chemical/76250.html Alveady Su	bmitter
Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Sections I and V below and Part II]	
Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Section I and V below and Part II]	
Other (explain in detail below)	
Please provide a brief narrative on the nature of the amendment:	
1 Amendment to add new property owner	
Committee William State Mr. BCA	
(1 Holland LLC) as a Volunteer under the BCA	
a Amendment to correct listed acreage of property from \$165 to \$17221 acres. Note: No change in property boundary or TBL information, merely corrects misstatement	
() () dos + x2221 acres	
of property from 10:05 to 10:4221 oures.	
Note: No change in property boundary or 113L	
formation, merely corrects misstatement	
IN THE COLUMN TO	
of acregne.	

Please refer to the attached instructions for guidance on filling out this application 04/2014 Section I. Existing Application Information BCP SITE NAME: BCP SITE NUMBER: 360115 NAME OF CURRENT APPLICANTISE INDEX NUMBER OF EXISTING AGREEMENT: C360115-11-10 DATE OF EXISTING AGREEMENT: Section II New Requestor Information (if no change to Current Applicant, skip to Section V) NAME Holla ADDRESS CITY/TOWN ZIP CODE PHONE E-MAIL ahoo, com Is the requestor authorized to conduct business in New York State (NYS)? -If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS. NAME OF NEW REQUESTOR'S REPRESENTATIVE ADDRESS CITY/TOWN ZIP CODE PHONE E-MAIL MCNOO, COM NAME OF NEW REQUESTOR'S CONSULTANT (if applicable) NIA ADDRESS CITY/TOWN ZIP CODE PHONE FAX E-MAIL NAME OF NEW REQUESTOR'S ATTORNEY (if applicable) Trivella & Forte LLP **ADDRESS** amasoneck CITY/TOWN 10605 ZIP CODE PHONE E-MAIL THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW: PARTICIPANT VOLUNTEER A requestor who either I) was the owner of the site at A requestor other than a participant, including a requestor whose liability arises solely the time of the disposal of contamination or 2) is as a result of ownership, operation of or involvement with the site subsequent to the otherwise a person responsible for the contamination, contamination. unless the liability arises solely as a result of ownership, operation of, or involvement with the site NOTE: By checking this box, the requestor certifies that he/she has exercised subsequent to the disposal of contamination.

NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the contamination found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination.

Section II. New Requestor Information continued (if no change to C	urrent Applicant, skip to Section V)
Requestor's Relationship to Property (check one):	
Prior Owner Current Owner Potential /Future Purchaser Other	
If requestor is not the site owner, requestor will have access to the property throughout the BCP project	Yes No
(Note: proof of site access must be submitted for non-owners)	
Requester must submit proof that the party signing this Application and Amendment has would be documentation from corporate organizational papers, which are updated, sho a Corporate Resolution showing the same, or an Operating Agreement or Resolution for	wing the authority to hind the compension and
Describe Requestor's Relationship to Existing Applicant:	
	the appents broked
Requester (I Holland LLC) purchased at 1-5 Holland Avenue, White Plains, N	Ly Come of the season
at 1-2 holland Avenue, white trains, N	1 thouse bounders
(One Holland Avenue Development LLC) o	on September 38,2013
South control for the Control of the Area	
Section III. Current Property Owner/Operator Information (only in new existing owner/operator information is provided, and highlight	clude if new owner/operator or
OWNER'S NAME (if different from requestor) Hilland LLC	
ADDRESS Holland Avenue	
CITY/TOWN White Plains ZIP CODE	10603
PHONE 914-949-9875 FAX N/A	E-MAIL tattonito@yahiv.w
OPERATOR'S NAME (if different from requestor or owner) White Plains Sel-	C.C.
ADDRESS Holland Avenue	TSTORAGE
CITY/TOWN White Plains ZIP CODE	10603
PHONE 914-949-9075 FAX 1/1A	
	EMAIL tattonito & yehou a
Section IV. Eligibility Information for New Requestor (Please refer to	ECL § 27-1407 for more detail).
If answering "yes" to any of the following questions, please provide an explanation as a	The state of the s
Are any enforcement actions pending against the requestor regarding this site?	☐Yes ⊠No
2. Is the requestor subject to an existing order relating to contamination at the site? 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site?	☐Yes ⊠No
1. Has the requestor been determined to have violated any provision of ECL Article 273	☐Yes ☑No ☐Yes ☑No
5. Has the requestor previously been denied entry to the BCP?	☐Yes ▼No
6. Has the requestor been found in a civil proceeding to have committed a negligent or i act involving contaminants?	ntentionally tortious Yes No
7. Has the requestor been convicted of a criminal offense that involves a violent felony,	fraud, bribery, perjury, Yes No
theft, or offense against public administration?	
8. Has the requestor knowingly falsified or concealed material facts or knowingly submifalse statement in a matter before the Department?	
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that of	committed an act Yes No
or failed to act, and such act or failure to act could be the basis for denial of a BCP ap	pplication?

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ZIP CC	DDE 106	05		
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Parcel No.	Section No.	Block No.	Lot No.	Acreage
I/I	125.07	1	1	Ø.65
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110	125.07	1	1	Ø.722
Parcel No.	Section No.	Block No.	Lot No.	Acreage
1	Parcel No. I/II on depending on to	on lepending on the size and natical property add corrected acre	Parcel No. Section No. Block No. I/II 125.07 1 on lepending on the size and nature of additional property added instance of access to the parcel No. Section No. Block No.	Parcel No. Section No. Block No. Lot No. I/II 125.07 1 on lepending on the size and nature of addition—see attract property a dded just corrected acreage listed Parcel No. Section No. Block No. Lot No.

Note:

There is no change in the property subject to the BCA. The acreage was identified as \$1.65 acres from an older report, but actual surveyed acreage for property remains as \$1.7221 acres for same metes/bands and some TBL descriptions.

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

BCP SITE NAME:	ormation
	-5 Holland Avenue BCP SITE NUMBER: C360115
NAME OF CURRENT APPLICANT	(S) One Holland Avenue Development LLC
INDEX NUMBER OF EXISTING AC	GREEMENT: (360)15-11-10
EFFECTIVE DATE OF EXISTING A	
Declaration of Amendment:	the property of the property o
Amendment is made in account and state laws applicable the unchanged and in full force	for Applicant(s) signatures below, and subsequent signature by the Department, the Brownfield Cleanup Agreement described above is hereby approved. This ordance with and subject to all of the BCA and all applicable guidance, regulations ereto. All other substantive and procedural terms of the Agreement will remain and effect regarding the parties to the Agreement.
any obligations held under the	Agreement or any applicable state and/or federal law or a release for any party from the Agreement or those same laws.
(Individual)	and Signatures: New Requestor(s) (if applicable)
(Individual) I acknowledge and agree to the gagreements. I also agree that in the and the terms contained in a site-form and its attachments is true a herein is punishable as a Class A requisite approval for the amendments.	deneral terms and conditions set forth in DER-32 Brownfield Cleanup Program Applications and the event of a conflict between the general terms and conditions of participation set forth in DER-32 specific BCA, the terms in the BCA shall control. I hereby affirm that information provided on this and complete to the best of my knowledge and belief. I am aware that any false statement made misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the ment to the BCA Application, which will be effective upon signature by the Department.
(Individual) I acknowledge and agree to the g Agreements. I also agree that in the and the terms contained in a site- form and its attachments is true at herein is punishable as a Class A	general terms and conditions set forth in DER-32 Brownfield Cleanup Program Applications and the event of a conflict between the general terms and conditions of participation set forth in DER-32 specific BCA, the terms in the BCA shall control. I hereby affirm that information provided on this and complete to the best of my knowledge and belief. I am aware that any false statement made misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the ment to the BCA Application, which will be effective upon signature by the Department.

Statement of Certification and Signaturapplicant must sign)	res: Existing Applicant(s) (an authorized representative of each
(Individual)	是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就
and arrange of this Application for all Milelianish it	Cleanup Agreement and/or Application referenced in Section I above and that I that Agreement and/or Application. My signature below constitutes the requisite on, which will be effective upon signature by the Department.
Date:Signature:	Print Name:
(Entity)	One Holland Avenue Development LLC
Agreement and/or Application referenced in Section Agreement and/or Application. Karen Pucket the BCA Application, which will be effective upon Date: 7/28/14 Signature: Agreement and/or Application.	on I above and that I am aware of this Application for an Amendment to that
REMAINDER OF THIS AMENDMENT WILL	BE COMPLETED SOLELY BY THE DEPARTMENT
Status of Agreement:	en e
PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.	VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
Affective Date of the Original Agreement	COSTON CONTRACTOR OF THE PROPERTY OF THE PROPE
Offective Date of the Amendment:	DESCRIPTION OF A SECTION SHOW THE SHOW THE SECTION OF THE SECTION OF SECTION
ignature by the Department:	
ATED:	AND TO LED THE REPORT AND MINISTER PROPERTY OF THE PROPERTY OF
AUG 1 5 2014	NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
	By: DUSS
on the state of th	Robert W. Schick, P.E., Director Division of Environmental Remediation

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

 Two (2) copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, must be sent to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

One (1) paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check <u>DEC's website</u> for information on our regional offices.

FOR DEPARTMENT USE ONLY		
BCP SITE T&A CODE:	LEAD OFFICE:	
PROJECT MANAGER:	nicate stalkyanie basel i	

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through July 22, 2014.

Selected Entity Name: 1 HOLLAND LLC

Selected Entity Status Information

Current Entity Name: 1 HOLLAND LLC

DOS ID #: 4369595

Initial DOS Filing Date: MARCH 06, 2013

County:

WESTCHESTER

Jurisdiction:

NEW YORK

Entity Type:

DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

1 HOLLAND LLC 1 HOLLAND AVENUE WHITE PLAINS, NEW YORK, 10604

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by viewing the certificate.

*Stock Information

of Shares Type of Stock \$ Value per Share No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date Name Type Entity Name
MAR 06, 2013 Actual 1 HOLLAND LLC

A Fictitious name must be used when the Actual name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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